

REMARKS

I. Introduction

Claims 1 to 7, 9 to 22, and 24 to 26 stand rejected. Claims 1 to 7, 9 to 22, and 24 to 26 were canceled in the Amendment and RCE of December 11, 2006, which this paper supplements. New claims 27 to 55 were added in that Amendment. Claims 27 to 55 are pending.

In view of the amendments made on December 11, 2006 and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

II. Rejection of Claims 1 to 7, 9 to 22, and 24 to 26 Under 35 U.S.C. § 103(a)

Claims 1 to 7, 9 to 22, and 24 to 26 were rejected under 35 U.S.C. § 103(a) over the combination of U.S. Patent No. 5,569,082 (“Kaye”) and U.S. Patent No. 5,772,510 (“Roberts”). While Applicant does not necessarily agree with the rejections, claims 1 to 7, 9 to 22, and 24 to 26 were canceled in the Amendment and RCE of December 11, 2006. Claims 27 to 55 were added in that Amendment. It is respectfully submitted that the proposed combination of Kaye and Roberts does not render obvious claims 27 to 55 for at least the following reasons.

To establish a prima facie case of obviousness, the Office Action must demonstrate three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991).

The proposed combination of Kaye and Roberts does not teach or suggest each of the elements of claim 27. Claim 1 recites:

27. A lottery gaming system, comprising:

a lottery ticket, the lottery ticket including a ticket identifier, an interactive game information, and an instant game information, and a removable covering concealing the instant game information;

a lottery ticket dispenser configured to dispense the lottery ticket, the lottery ticket dispenser including an input device configured to receive, prior to the lottery ticket being dispensed, an input indicating a player's choice of

whether to purchase a ticket for use only as an instant lottery ticket or as a hybrid instant lottery ticket that is also usable in an interactive game;
a central computer system in communication with the lottery ticket dispenser and configured to receive from the lottery ticket dispenser an indication that the player has chosen to purchase the lottery ticket for use in the interactive game, the central computer system configured to, responsive to the receipt of the indication, to activate the lottery ticket for use in the interactive game; and
a computing device remote from and in communication with the central computer system, the computing device configured to receive the interactive game information from the lottery ticket, the computing device further configured to be utilized by the player to play the interactive game based at least in part on the interactive game information.

Nothing in Kaye or Roberts teaches or suggests a ticket including both “an interactive game information, and an instant game information, and a removable covering concealing the instant game information.” The Office Action cites Kaye for describing such a ticket. However, nothing in Kaye suggests an instant game information concealed with a removable covering.

Neither does anything in Kaye or Roberts teach or suggest a lottery ticket dispenser “including an input device configured to receive, prior to the lottery ticket being dispensed, an input indicating a player’s choice of whether to purchase a ticket for use only as an instant lottery ticket or as a hybrid instant lottery ticket that is also usable in an interactive game.” More specifically, nothing in either Kaye or Roberts teaches or suggests a hybrid instant lottery ticket that is optionally usable in an interactive game. Therefore, nothing in either Roberts or Kaye can teach or suggest an input indicating a player’s choice to purchase a ticket as a hybrid ticket or only as an instant ticket. Finally, nothing in Kaye or Roberts teaches or suggests a “central computer system configured to, responsive to the receipt of the indication, to activate the lottery ticket for use in the interactive game.” While Kaye may describe tickets used to access an interactive game, nothing in Kaye teaches or suggests that those tickets are activated responsive to an indication that a player chooses to purchase the ticket as a hybrid ticket.

It is therefore respectfully submitted that the proposed combination of Kaye and Roberts does not render obvious claim 27, or claims 28 to 47 which depend from claim 27.

Claim 48 recites:

48. *A method of conducting a lottery, comprising:*
accepting a payment from a player for a lottery ticket;

receiving an input indicating a player's choice of whether to purchase a ticket for use only as an instant lottery ticket or as a hybrid instant lottery ticket that is also usable in an interactive game;

responsive to the player's choice to purchase a lottery ticket for use in the interactive game and the acceptance of payment from the player for the lottery ticket, providing the player a lottery ticket including a ticket identifier, an instant win information concealed by a removable covering, and an interactive game information;

responsive to the player's choice to purchase the lottery ticket for use in the interactive game and the acceptance of payment from the player for the lottery ticket, activating the lottery ticket for use in the interactive game, the activating based at least in part on a ticket identifier;

redeeming the lottery ticket for a prize if the instant win information included in the lottery ticket indicates that the lottery ticket is an instant game winner;

receiving a request from the player to play the interactive game on a computing device;

receiving at least a portion of the interactive game information from the ticket at the computing device; and

providing an interactive game play to the player at the computing device, the interactive game play based at least in part on the interactive game information.

As explained above, in relation to claim 27, nothing in the proposed combination of Kaye and Roberts teaches or suggests “receiving an input indicating a player’s choice of whether to purchase a ticket for use only as an instant lottery ticket or as a hybrid instant lottery ticket that is also usable in an interactive game.” Also as explained above, nothing in the proposed combination of references teaches or suggests a lottery ticket including both “an instant win information concealed by a removable covering, and an interactive game information;” nor does anything in either Kaye or Roberts teach or suggest “responsive to the player’s choice to purchase the lottery ticket for use in the interactive game . . . activating the lottery ticket for use in the interactive game.”

Therefore, it is respectfully submitted that the proposed combination of Kaye and Roberts does not render obvious claim 48, or claims 49 to 55 which depend from claim 48.

CONCLUSION

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Commissioner is authorized to charge any fee arising in connection with the filing of this paper, including any necessary extension of time, to the deposit account of **Kenyon & Kenyon LLP**, Deposit Account No. **11-0600**. The Examiner is cordially invited to telephone the undersigned if any issue or question arises with respect to the present application.

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Respectfully submitted,
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